

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Denis Choulette, *et al.*
Serial No.: 09/786,151
Filed : February 27, 2001
Title : MANAGEMENT OF DATA IN A RECEIVER/DECODER

Art Unit : 2135
Examiner : HUA, L.
Confirmation No.: 4013

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 26 2004

Technology Center 2100

DECLARATION UNDER 37 C.F.R. §1.131 BY ASSIGNEE

ON BEHALF OF THE INVENTORS

The assignee has herewith requested to take action in the prosecution in this patent application and has established its right to do so.

Further, after diligent effort, the inventors for the present patent application could not be found or reached at their last known addresses. The last two known addresses for the first named inventor, Denis Choulette, are 8 rue Violet, 75015 Paris, FRANCE (hereinafter "Denis Choulette's first known address") and 7 rue Beguinage, 59800 Lille, FRANCE (hereinafter "Denis Choulette's second known address"). The last known address for the second named inventor, Hongtao Liao, is 4 rue du Canal, 78180 Montigny Le Bretonneux, FRANCE. As shown by Exhibits A-C, the inventors of the present patent application could not be found or reached at their last known addresses. Exhibit A shows the following.

- A copy of a pink postal slip, known as Notices of Reception of a Certified Correspondence, addressed to Denis Choulette's first known address with "X" markings through this address;

- A copy of a brown envelope addressed to Denis Choulette's first known address with "X" marking through this address, handwritten notes indicating "Address Unknown," and a postal stamp indicating "Return to Sender;" and
- A copy of a letter sent to Denis Choulette requesting signature of declaration, in addition to exhibits as enclosures.

Exhibit B shows the following.

- A copy of a pink postal slip, known as Notices of Reception of a Certified Correspondence, addressed to Denis Choulette's second known address with "X" markings through this address; and
- A copy of a letter sent to Denis Choulette requesting signature of declaration.

Exhibit C shows the following.

- A copy of a pink postal slip, known as Notices of Reception of a Certified Correspondence, addressed to Hongtao Liao's known address with "X" markings through this address;
- A copy of a brown envelope addressed to Hongtao Liao's first known address with "X" marking through this address, handwritten notes indicating "Address Unknown," and a postal stamp indicating "Return to Sender;" and
- A copy of a letter sent to Hongtao Liao requesting signature of declaration, in addition to exhibits as enclosures.
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The above Exhibits clearly indicate that the named inventors could not be found or reached at their last known addresses.

Accordingly, on behalf of the inventors, as the assignee of the entire right of this patent application and having requested to take action in the prosecution of this patent application, it is declared that I, MANJIV KOKHS, am empowered to sign this statement on behalf of Thomson Licensing S.A., and hereby declare the following facts:

1. Canal+Societe Anonyme is the assignee of the present application, i.e., U.S. Patent Application No. 09/786,151.
2. Canal+Societe Anonyme assigned its business called Mediahighway to Mondial Plus in October 1999. Upon the transfer, Mondial Plus changed its company name and became Canal+ Technologies.
3. In May 2000, Canal+ Technologies and SECA were merged and absorbed by Financiere de Technologies. At the merger date, Financiere de Technologies changed its name to Canal+ Technologies.
4. Thomson acquired Canal+ Technologies, and the patent application was then transferred from Canal+ Technologies to Thomson Licensing S.A. Thomson (empowered by Thomson Licensing S.A.) now has the authority to make this request.

5. The invention in the present application was conceived, diligently pursued, and constructively reduced to practice under our ownership.
6. The invention in the present application was conceived prior to June 12, 1998, the earliest filing date of U.S. Patent No. 6,308,273.
7. The conception, due diligence, and constructive reduction to practice of the present application prior to June 12, 1998 is evidenced by at least the following Exhibits D-F.
 - Exhibit D shows a document describing file handling in FLASH by Hongtao Liao, one of the named inventors. The document as shown in Exhibit D was completed on January 27, 1998 and forwarded to David Hawkes.
 - Exhibit E shows a document describing the conception of the middleware system by JF Bertrand. The document as shown in Exhibit E was completed on June 5, 1998 and forwarded to David Hawkes and Hongtao Liao.
 - Exhibit F shows a letter with enclosures dated June 18, 1998, which was sent to Dr. Paul Cozens of the patent agents, Mathys & Squire in London, United Kingdom, requesting preparation of a patent application of the present invention.
 - Exhibit G shows a letter dated June 23, 1998 from Dr. Paul Cozens in response to the June 18th letter indicating that the

contents of the enclosures of the June 18th letter were being reviewed.

- Exhibit H shows a letter dated August 19, 1998 from Andrew Booth of Mathys & Squire forwarding a draft of the specification to David Hawkes for comments. The letter also requested that a copy of the draft be forwarded to Hongtao Liao.
- Exhibit I shows a letter dated September 3, 1998 from David Hawkes to Andy Booth, including David Hawkes' comments on the draft of the specification.
- We further note that sometime between September 3, 1998 and September 16, 1998, a final non-provisional patent application describing the present invention was received by Hongtao Liao and Denis Choulette. This final non-provisional patent application was approved by September 16th at the latest.

8. The invention described in the present application was conceived and continued to be diligently worked on and/or used from, at least, the dates established by Exhibits D-I until, at least, the date of constructive reduction to practice was established by the filing of European Patent Application No. 98402290.5 with the French Patent Office on September 16, 1998.

9. The above Exhibits clearly disclose that each and every element of the claims of U.S. Patent Application Serial No. 09/786,151 was in the possession of Canal+ Societe Anonyme prior to the effective date of U.S. Patent No. 6,308,273, namely, June 12, 1998. In particular, the above exhibits explicitly show that:

- assigning a plurality of sets of access rights to the data, each set of access rights being assigned to at least one party;
- storing the sets of access rights and identifiers for the parties within the data;
- transmitting the data to at least one receiver/decoder; and
- at the receiver/decoder having a memory, downloading and storing the transmitted data in the memory of the receiver/decoder;
- comparing the identifier of a party requesting access to the data with the identifiers stored in the memory; and
- providing the party with the set of access rights assigned thereto in the memory of the receiver/decoder.

10. The Exhibits also clearly show that the following elements was in the possession of Canal+ Societe Anonyme prior to the earliest effective filing date of U.S. Patent No. 6,308,273:

- means for comparing the identifier of a party requesting access to the data with the identifiers stored in the memory; and
- means for providing the party with the set of access rights assigned thereto in the memory of the receiver/decoder.

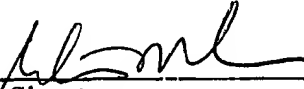
11. The Exhibits also clearly show that the following elements was in the possession of Canal+ Societe Anonyme prior to the earliest effective filing date of U.S. Patent No. 6,308,273:

- means for assigning a plurality of sets of access rights to the data, each of the access rights being assigned to at least one party;
- means for storing the access rights and identifiers for the parties within the data; and
- means for transmitting a bitstream including said data.

I further declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such a willful false statements

may jeopardize the validity of the application of any patent issued thereon.

Signed this 15th day of July, 2004.



Signature

MARTIN KOHLS

Name

MANAGER, PATENTS

Title

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